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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1115/2018**

ARUN RAI

..... Petitioner

Through : Mr.S.K.Rai, Advocate.

versus

STATE

..... Respondent

Through : Ms.Radhika Kolluru, APP.
SI Arvind Kumar, PS Jaitpur.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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14.05.2018

CrI.M.A.No.9158/2018 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 1115/2018

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.546/2017 under Sections 363/376D/366-A/344/328/506 IPC and Section 4 POCSO Act registered at Police Station Jaitpur. Status report not filed.
2. I have heard the learned counsel for the parties and have examined the file. Earlier the petitioner was granted interim protection by this Court by an order dated 11.12.2017. On 20.04.2018 the said bail petition was disposed of granting protection for 15 days against arrest to the petitioner to enable him to move an application

for regular bail before the court concerned. The application for regular bail, if so moved, was to be decided on merits.

3. It is informed that during the protection period, the petitioner had filed an application seeking regular bail before the court concerned. Seemingly, the petitioner did not put appearance before the court. Order dated 07.05.2018 of learned Additional Sessions Judge reveals that the petitioner opted to withdraw the application for bail. No plausible explanation has been offered by the petitioner as to what prompted him to withdraw the application moved before the trial court.

4. In the statement under Section 164 Cr.P.C. the prosecutrix aged around 17 years has levelled serious allegations of gang rape by the petitioner and the other associates whose bail applications have been dismissed by the trial court by an order dated 07.05.2018. The petitioner was named in the 164 Cr.P.C. statement.

5. Considering the gravity of the offence and the serious allegations against the petitioner and the withdrawal of the application for seeking regular bail before the trial court despite 15 days protection against arrest, the petitioner does not deserve anticipatory bail.

6. The bail application is dismissed.

S.P.GARG, J.

MAY 14, 2018 /sa